IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 26897 of 2003

DATED:9.12.2005

Between:

Md.Allauddin S/o. Sharfuddin

Red Hills, Hyderabad Petitioner

And

The Deputy Commissioner of Police,

South Zone, Hyderabad & others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 26897 OF 2003

ORAL ORDER:

The present writ petition is filed questioning the action of the respondents in opening a rowdy sheet against the petitioner.

The facts in brief which lead to filing the present writ petition are that the petitioner is working as an Architect with a builder. The Police officials of Habeebnagar police

station arrested him on 8.6.2003 and registered three crimes against him in Crime No. 148 of 2003, 149 of 2003 and 153 of 2003 for forming unlawful assembly and damaging the public and private property. Based on the said crimes, a rowdy sheet was opened against the petitioner by the Habeebnagar police station and the same was transferred to Nampally police station on the ground of jurisdiction. The petitioner alleges that he is innocent person and was falsely implicated by the police in the above crimes and maintaining a rowdy sheet against him is against the Police Standing Orders.

Learned counsel for petitioner mainly contended that the petitioner is working as an Architect and he was falsely implicated in the above crimes and the police officials are harassing him by calling him to the police station and detaining him for hours together unnecessarily. It is further stated that there was no prior criminal history of petitioner and no case was registered against him except the three crimes which were registered on a single day i.e., 6.6.2003 and that the petitioner is not a habitual offender and continuing a rowdy sheet against the petitioner is illegal and against to Police Standing Orders.

The respondents filed a detailed counter affidavit stating that the petitioner was arrested on 6.6.2003 by the Special Investigation Team, Hyderabad and remanded to judicial custody. The charge sheets were also filed on 31.12.2003 before the XXIII Metropolitan Magistrate Court, Hyderabad and same are pending. In view of the unlawful activities of the petitioner, a rowdy sheet was opened against the petitioner on 10.8.2003 as per the orders of the Assistant Commissioner of Police, Goshamahal Division, Hyderabad in accordance with provisions of A.P. Police Standing Orders. The allegation of harassment made by police was specifically denied and it is stated that to prevent the petitioner from committing further crimes and causing breach of peace in the area, a watch is kept over him.

Heard the learned counsel for petitioner and learned Government Pleader for Home.

It is seen from the counter affidavit that the petitioner is accused in three crimes which are pending for trial before the Competent Criminal Court. Having regard to the allegations made against the petitioner, it is not proper for this Court to interfere in the matter and to quash the rowdy sheet against the petitioner at this stage without knowing the subsequent activities of the petitioner. It is for the concerned police officials to enquire into the matter and to take an appropriate decision in accordance with law. Hence, the petitioner is permitted to make a representation to the Deputy Commissioner of Police, West Zone, Hyderabad. On filing such a representation, the Deputy Commissioner of Police, West Zone, Hyderabad is directed to cause an enquiry into the matter and pass appropriate orders in accordance with law.

Subject to above observations, the writ petition is disposed of.
No costs.

N.V.RAMANA,J

9-12-2005

TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 26897 of 2003

DATED:9.12.2005